

LEGAL NOTICE

Summary of Proposed Rulemakings

PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state Administrative Bulletin.

IDAPA 02 - DEPARTMENT OF AGRICULTURE PO Box 790, Boise, ID 83701

02-0301-0401, Rules Governing Pesticide Management Plans for Ground Water Protection. New chapter establishes a process for responding to pesticide detection in ground water. Comment by: 9/22/04.

02-0403-0401, Rules Governing Animal Industry. Updates and clarifies the rules regulating the disease Trichomoniasis; makes technical corrections. Comment by: 9/22/04.

02-0415-0401, Rules Governing Beef Cattle Animal Feeding Operations. Implements the provisions of HB 682 regarding nutrient management plans; updates referenced materials; makes technical corrections. Comment by: 9/22/04.

02-0426-0401, Rules Governing Livestock Marketing. New chapter details the requirements for Public Livestock Markets. Comment by: 9/22/04.

02-0601-0401, Rules Governing the Pure Seed Law. Adds an administrative fee of \$2 per test to allow companies to view and obtain official test results over the Internet; allows for an exemption from an Idaho Seed Dealer's License for a dealer who sells, offers for sale, exposes for sale or delivers seed only in packages of less than 8 ounces. Comment by: 9/22/04.

02-0612-0401, Rules Pertaining to the Idaho Fertilizer Law. HB 548 authorizes a civil penalty assessment for specialty fertilizers deficient in nutrients and decreases the overall index value to 97%. Comment by: 9/22/04.

02-0626-0401, Rules Governing Seed Potato Crop Management Areas. Defines the geographical boundaries for a new management area in Elmore County. Comment by: 9/22/04.

IDAPA 12 - DEPARTMENT OF FINANCE PO Box 83720, Boise, ID 83720-0031

12-0108-0401, Rules Pursuant to the Idaho Securities Act. Chapter repeal. Comment by: 9/22/04.

12-0108-0402, Rules Pursuant to the Uniform Securities Act (2004). New chapter implements the new Act that governs the registration of securities and investment professionals, exemptions from the registration requirements, fraud and liabilities in securities transactions, and administrative and judicial review procedures. Comment by: 9/22/04.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE PO Box 83720, Boise, ID 83720-0036

****16-0201-0401, Health Professional Loan Repayment Program.** Chapter repeal. Comment by: 9/22/04.

16-0211-0401, Immunization Requirements for Children Attending Licensed Day Care Facilities in Idaho and 16-

0215-0401, Immunization Requirements for Idaho School Children. Adds a fifth dose of diphtheria, tetanus and a-cellular pertussis vaccine and a second dose of mumps, measles and rubella vaccine to the immunization requirements to both rule chapters. Comment by: 9/22/04.

16-0309-0403, Rules Governing the Medical Assistance Program. Removes requirements for service coordination that are now outlined in IDAPA 16.03.17. Comment by: 9/22/04.

16-0322-0401, Rules for Licensed Residential and Assisted Living Facilities. Removes requirement for facilities to carry liability insurance. Comment by: 9/22/04.

16-0411-0401, Rules Governing Developmental Disabilities and 16-0417-0401, Rules Governing Residential Habilitation Agencies. Changes to both chapters revise definitions for “service coordination” and “service coordinator” to conform with IDAPA 16.03.17 and delete the obsolete term “targeted service coordinator”. Comment by: 9/22/04.

16-0411-0402, Rules Governing Developmental Disabilities. Increases education requirements for Developmental Specialists serving children under age three. Comment by: 9/22/04.

**IDAPA 18 - DEPARTMENT OF INSURANCE
PO Box 83720, Boise, ID 83720-0043**

18-0150-0401, Adoption of the 2003 International Fire Code. Updates the 2003 Code that is incorporated by reference. Comment by: 9/22/04.

**IDAPA 19 - STATE BOARD OF DENTISTRY
708½ W. Franklin St., Boise, ID 83702**

19-0101-0402, Rules of the Idaho State Board of Dentistry. Incorporates by reference the American Dental Hygienists' Association's Code of Ethics and specifies that a violation constitutes unprofessional conduct that may be grounds for disciplinary action; identifies 3 additional areas of specialty dental practice (oral and maxillofacial radiology, oral and maxillofacial pathology and dental public health) to be recognized and licensed by the Board and includes them in the Board's specialty advertising standards. Comment by: 9/22/04.

**IDAPA 23 - STATE BOARD OF NURSING
PO Box 83720, Boise, ID 83720-0061**

23-0101-0401, Rules of the Idaho Board of Nursing. Statutory changes require criminal background checks, eliminate APPN supervision, clarify examination requirements for multi-State licensure, and require peer review as a condition of renewal or reinstatement of APPN licensure. Comment by: 9/22/04.

**IDAPA 25 - OUTFITTERS AND GUIDES LICENSING BOARD
1365 N. Orchard, Suite 172, Boise, ID 83706**

25-0101-0401, Rules of the Outfitters and Guides Licensing Board. Numerous changes clarify and update the following: definitions; waiting lists; operational license requirements; sales of outfitter businesses; annual license fee requirements; standards for non-use; and requirements for conducting controlled hunts outside outfitter's operating area. Adds sales of “lifetime” activities to unethical/unprofessional conduct; adds license codes; requires documentation for loans or transfers; updates outfitter limits for licensable waters. Comment by: 9/22/04.

**IDAPA 35 - IDAHO STATE TAX COMMISSION
PO Box 36, Boise, ID 83722-0410**

35-0106-0401, Hotel/Motel and Campground Sales Tax Administrative Rules. Defines the “travel and convention tax” imposed by Section 67-4718, Idaho Code. Comment by: 9/22/04.

35-0110-0401, Idaho Cigarette and Tobacco Products Tax Administrative Rules. Allows cigarette distributors to claim a credit for cigarettes purchased from manufacturers that were recently removed from the Attorney General's

directory, if the manufacturer was listed at the time the cigarettes were purchased. Comment by: 9/22/04.

35-0111-0401, Idaho Unclaimed Property Tax Administrative Rules. Clarifies what documentation is required for the heir of a deceased person to make a claim establishing the right to claim the property. Comment by: 9/22/04.

**IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT
PO Box 7129, Boise ID 83707-1129**

39-0306-0401, Rules Governing Allowable Vehicle Size. Excludes awnings when measuring the overall width of recreational vehicles. Comment by: 9/22/04.

**IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY
1410 N. Hilton, Boise, ID 83706-1255**

****58-0101-0401, Rules Governing the Control of Air Pollution in Idaho.** Removes certain criteria for permit to construct exemptions to align those provisions with EPA statements. Comment by: 10/4/04.

58-0108-0401, Idaho Rules for Public Drinking Water Systems. Broadens language on use of disinfectants in public water systems; clarifies language regarding separation distances between main pipelines, requirements for well houses and other enclosures and language requiring plan and specification review for new or modified water systems; modifies language for "operator services" to implement the Drinking Water and Wastewater Professionals Licensing Act. Comment by: 9/29/04.

****PUBLIC HEARINGS HAVE BEEN SCHEDULED FOR THESE DOCKETS.**

Please refer to the Idaho Administrative Bulletin, **September 1, 2004, Volume 04-9** for notices and text of all rulemakings, public hearing schedules, Governor's executive orders, and agency contact names.

Citizens of your county can view all issues of the Idaho Administrative Bulletin at the county law libraries.

Copies of the Administrative Bulletin and other rules publications are available for purchase. For subscription information and ordering see our website or call (208) 332-1820 or write the Office of Administrative Rules, Department of Administration, 650 W. State St., Room 100, Boise, ID 83720-0306. Visa and MasterCard accepted for most purchases.

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